

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Benjamin Chain Art Unit : 1645
Serial No. : 09/731,899 Examiner : Rodney P. Swartz
Filed : December 8, 2000 Conf. No. : 1183
Title : **CHIMERIC PEPTIDES AS IMMUNOGENS, ANTIBODIES THERETO,
AND METHODS FOR IMMUNIZATION USING CHIMERIC PEPTIDES
OR ANTIBODIES**

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND AMENDMENT AFTER APPEAL/REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT

This Amendment/Reply is an Amendment After Appeal under 37 C.F.R. 41.33 for the above-identified application. An Amendment in response to a final Office Action for the application that was mailed November 25, 2009 was filed on May 25, 2010 (“the May 25 Amendment”), along with a Notice of Appeal. The May 25 Amendment was not entered because it was found to be non-compliant, due to failure to underline the word “an” that had been added to claim 1. An Amendment After Appeal under 37 C.F.R. 41.33 was filed on June 29, 2010 (“the June 29 Amendment”), seeking to correct the grounds on which the May 25 Amendment was found to be non-compliant. An advisory action that was mailed on July 7, 2010 indicated the June 29 Amendment would not be entered because claim 3 depended from a cancelled claim.

An Appeal Brief is due July 25, 2010, but has not been filed.

The present Amendment is a response to the aforementioned final Office Action that corrects the grounds on which the May 25 was found to be non-compliant and further corrects the grounds on which the Examiner refused entry of the June 29 Amendment.

The present Amendment is believed to place the application in condition for allowance and otherwise meets all of the requirements for entry set out in 37 C.F.R. 1.116. Entry of this Amendment is therefore respectfully requested.

Amendments to the Claims are reflected in the listing of the claims that begins on page 3.

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Remarks/Arguments begin on page 8.

No fee is believed to be due. The Commissioner is authorized to charge any additional fees determined to be due and requested to refund any overpayments to deposit account no. 06-1050.

Reconsideration of the subject application is requested in view of the following amendments and remarks.